Public Health Appeal Board

Annual Report 2002

Alberta
HEALTH AND WELLNESS

103-05954/

ALBERTA
HEALTH AND WELLNESS

Office of the Minister

January 2003

The Honourable Ken Kowalski, M.L.A.
Speaker of the Legislative Assembly
325 Legislature Building
Edmonton, Alberta
T5K 2B6

Dear Mr. Speaker:

I have the honour to present the Annual Report of the Public Health Appeal Board for the year January 01, 2002 to December 31, 2002.

Sincerely,

Gary G. Mar, Q.C.
Minister of Health and Wellness
M.L.A. Calgary Nose Creek

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Alberta
HEALTH AND WELLNESS

PUBLIC HEALTH APPEAL BOARD

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January 2003

The Honourable Gary G. Mar, Q.C.
Minister of Health & Wellness
323 Legislature Building
Edmonton, Alberta
T5K 2B6

Minister:

I have the honour and privilege to present the Annual Report of the Public Health Appeal Board for the year January 01, 2002 to December 31, 2002.

Respectfully submitted,

William J. Love, Chairman
Public Health Appeal Board

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Public Health Appeal Board Members

William Love (Calgary)
Chair
Mr. Love is an independent insurance broker and consultant. He was the chair of the Board of Examiners for Certified Dental Mechanics from 1993 – 2002 and is a willing volunteer for church and community organizations.

Robert Lea (Edmonton)
Vice-chair
Mr. Lea is a planner and internal auditor for a large Alberta public school board. He possesses in excess of 20 years senior financial and administrative experience in healthcare from previous positions. He is active in numerous community activities.

Sharon Cox (High Prairie)
Alternate Vice-chair
Ms. Cox runs a mixed farming operation with her children. A former registered Nursing Assistant, she was chairperson for the Keeweetinok Lakes Regional Health Authority from 1994 – 2001. She enjoys volunteering for various community groups.

Marvie Kenny (Oyen)
Member
Ms. Kenny is a dental hygienist and partner on a grain farming operation. She also volunteers for various community organizations.

George Kovacic (Edmonton) March 6, 2002 – June 26, 2002
Member
Mr. Kovacic advises several corporations on international business and project development. His services have resulted in numerous international contracts, joint ventures, as well as changes in corporate strategy and cultural. Due to business pressures, Mr. Kovacic resigned June 26, 2002.

Margaret Niehaus – (Edmonton)
Administrative Assistant/Coordinator

Background

The Public Health Appeal Board (The Board) was established on February 03, 1999 under the amended *Alberta Public Health Act*. The new Public Health Appeal Board replaced the former Public Health Advisory and Appeal Board, which was established in 1985.

The board is subject to general rules of administrative law and natural justice as they apply to quasi-judicial tribunals. Donald R. Cranston, Q.C., of the law firm Bennett Jones LLP provides the board independent legal counsel.

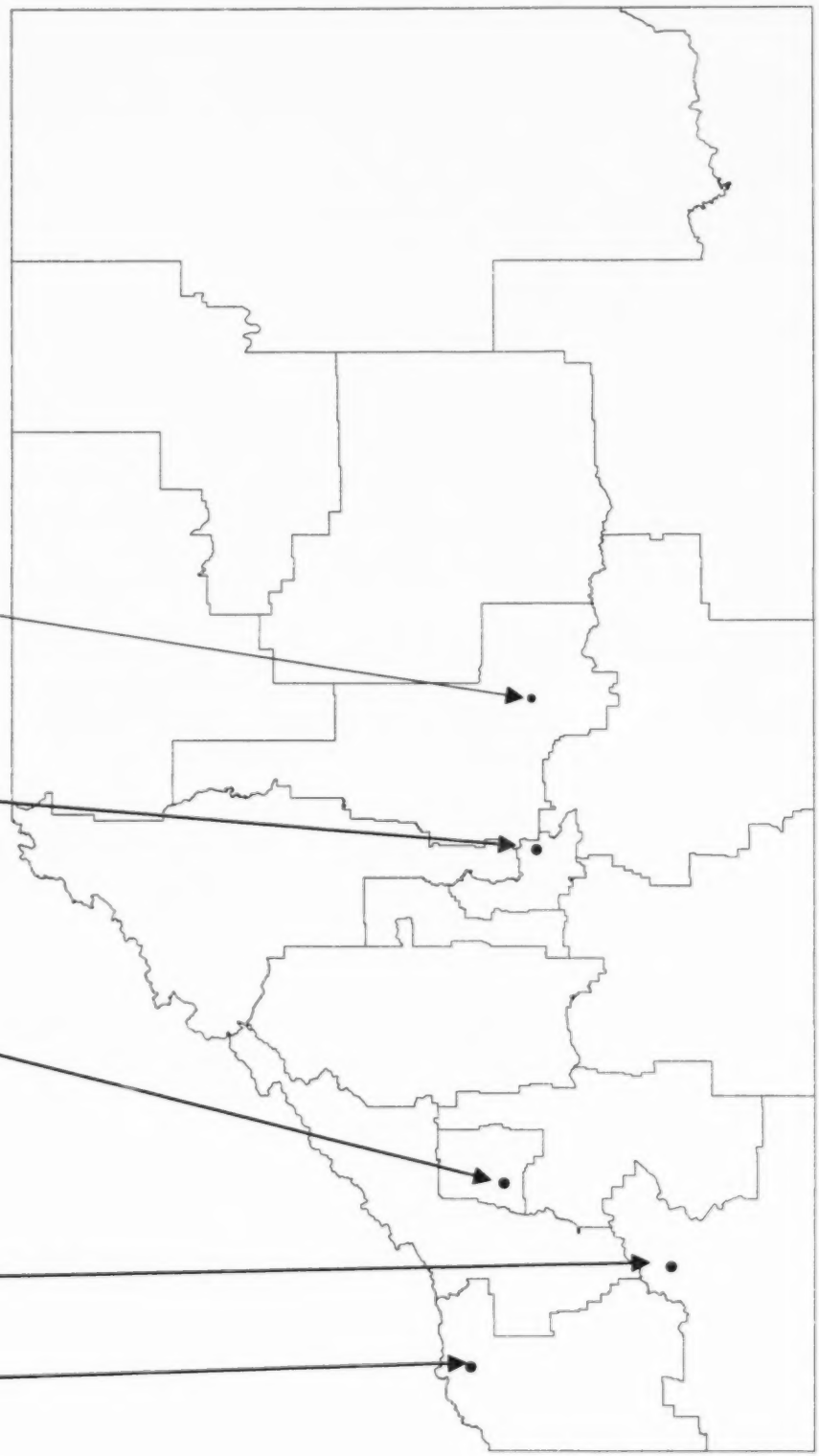
Duties

The Public Health Appeal Board is a five-member panel appointed by the Lieutenant Governor in Council. Their principal duty is to hear appeals on decisions made by regional health authorities (RHA). The board's role in hearing appeals serves as an important point of entry into the system to address concerns of individuals directly affected by an RHA decision. It also provides an effective check on the appropriate application of legislative power delegated to RHA executive officers.

The board may call upon technical experts and professionals to assist them in specific knowledge areas related to the appeal. Once an appeal is heard, the board gives written notice of their decision. This may:

- confirm, reverse or vary the decision of the RHA or
- refer the matter back to the RHA for further consideration.

Locations and Dates of Hearings (*)



Athabasca
November 13, 2002

Edmonton
March 22, 2002
May 3, 2002
June 27, 2002 (2)*
October 28, 2002

Calgary
July 16, 2002

Brooks
August 28, 2002

Blairmore
January 28, 2002

*Number of hearings

Appeal Activities and Summaries

The following is a summary of all appeals or applications received and/or heard by the Public Health Appeal Board from January 01, 2002 to December 31, 2002:

01/02
Order of Chinook Regional Health Authority

Appeal of the order of an executive officer of the Chinook Regional Health Authority under Section 62 of the *Public Health Act*, declaring the premises to be in a condition that might become injurious or dangerous to public health and requiring the owner prohibit use or occupation of the premises by members of the public.

Hearing held January 28, 2002
The board upheld the order issued by the executive officer of the Chinook Regional Health Authority. The board concluded the presence of mold in the premises is a condition that may become injurious or dangerous to public health.

02/02
Order of Palliser Health Authority

Appeal of the order of an executive officer of the Palliser Health Authority under Section 62 of the *Public Health Act*, requiring the owner to repair a number of conditions by a specified date.

The appellant withdrew the appeal.

03/02
Order of David Thompson Regional Health Authority

Appeal of the order of an executive officer of the David Thompson Regional Health Authority under Section 62 of the *Public Health Act*, requiring the owner of the premises to cease operation of the restaurant until staff complete a Food Safe course and the premises be modified to the satisfaction of an executive officer of the David Thompson Regional Health Authority.

The order was rescinded and the appellant withdrew the appeal.

04/02
Order of Peace Regional Health Authority

Appeal of a Notice of Suspension of Food Establishment Permit issued by an executive officer of the Peace Regional Health Authority under Section 62 of the *Public Health Act*, requiring the owner to repair a number of conditions by a specified date. This included a written plan for sanitation, food preparation and storage area, and to complete an approved course in food sanitation.

The appellant withdrew the appeal.

05/02
Order of Capital Health Authority

Appeal of the order of an executive officer of the Capital Health Authority under Section 62 of the *Public Health Act*, requiring the occupant to vacate the premises by a specified date.

Hearing held March 22, 2002
The board upheld the order issued by the executive officer of the Capital Health Authority.

06/02
Order of Capital Health Authority

Appeal of two orders of an executive officer of the Capital Health Authority under Section 62 of the *Public Health Act*, declaring the housing premises unfit for human habitation and requiring the occupants to vacate the premises.

The appellant withdrew the appeal.

07/02
Order of Capital Health Authority

Appeal of two orders of an executive officer of the Capital Health Authority under Section 62 of the *Public Health Act*, declaring the housing premises unfit for human habitation and requiring the occupants to vacate the premises.

The appellant withdrew the appeal.

08/02
Order of Capital Health Authority

Appeal of the order of an executive officer of the Capital Health Authority under Section 62 of the *Public Health Act*, requiring the owner of a rental housing facility to remove and dispose of all garbage and to clean and sanitize all areas of the rental unit suite.

Hearing held May 3, 2002
The board upheld the order issued by the executive officer of the Capital Health Authority. The appellant is to correct the conditions identified in the order to the satisfaction of an executive officer of the Capital Health Authority.

09/02
Order of Capital Health Authority

Appeal of two orders of an executive officer of the Capital Health Authority under Section 62 of the *Public Health Act*, declaring the housing premises unfit for human habitation and not to permit occupancy of the two suites until authorized by an executive officer.

Hearing held June 27, 2002 concurrent with Appeal # 10/02
The appellant withdrew the appeal at the hearing.

10/02
Order of Capital Health Authority

Appeal of the order of an executive officer of the Capital Health Authority under Section 62 of the *Public Health Act*, requiring the owner to repair a number of conditions by a specified date or alternatively to vacate and decommission the basement suites.

Hearing held June 27, 2002 concurrent with Appeal # 09/02
The board upheld the order issued by the executive officer of the Capital Health Authority. The appellant is required to correct the conditions identified in the order to the satisfaction of an executive officer of the Capital Health Authority or have the premises remain vacant.

11/02
Order of Calgary Health Region

Appeal of the order of an executive officer of the Calgary Health Region under Section 62 of the *Public Health Act*, requiring the owner to fix a number of conditions related to the keeping of birds at his premises.

Hearing held July 16, 2002
The board upheld the order issued by the executive officer of the Calgary Health Region. The appellant is to correct the conditions identified in the order to the satisfaction of an executive officer of the Calgary Health Region.

12/02
Order of Capital Health Authority

Appeal of two orders of an executive officer of the Capital Health Authority under Section 62 of the *Public Health Act*, declaring the housing premises unfit for human habitation and requiring the occupants to vacate the premises.

A date was set for a hearing. However, The board did not hear further from the appellant and the appeal was subsequently withdrawn.

13/02
Order of Palliser Health Region

Appeal of the order of an executive officer of the Palliser Health Region under Section 62 of the *Public Health Act*, declaring the housing premises unfit for human habitation and requiring the owner to repair a number of conditions or to have the premises remain vacant.

Hearing held August 28, 2002
The board upheld the order issued by the executive officer of the Palliser Health Region. The appellant is required to correct the conditions identified in the order to the satisfaction of an executive officer of the Palliser Health Region or to have the premises remain vacant.

14/02
Order of Capital Health Authority

Appeal of the order of an executive officer of the Capital Health Authority under Section 62 of the *Public Health Act*, requiring the appellant to supply potable water in sufficient volume, pressure and temperature to serve the needs of the inhabitants.

The appellant withdrew the appeal.

15/02
Order of Lakeland Regional Health Authority

Appeal of the order of an executive officer of the Lakeland Regional Health Authority under Section 62 of the *Public Health Act*, declaring the housing premises unfit for human habitation and requiring the owner to repair a number of conditions or to have the premises remain vacant.

The appellant withdrew the appeal.

16/02
Order of Capital Health Authority

Appeal of the order of an executive officer of the Capital Health Authority under Section 62 of the *Public Health Act* requiring the owner to fix a number of conditions by specified dates.

The appellant withdrew the appeal.

17/02
Order of Aspen Regional Health Authority

Appeal of the order of an executive officer of the Aspen Regional Health Authority under Section 62 of the *Public Health Act*, requiring the owner to correct a number of conditions by specified dates or to have the premises remain vacant.

Hearing held **November 13, 2002**
The board varied the order in that the appellant, if he will be sole occupant of the premises, is to correct a certain number of conditions as outlined in the order to the satisfaction of an executive officer of the Aspen Regional Health Authority. However, if there will be occupancy by a tenant, the appellant is required to correct a number of conditions as outlined in the order to the satisfaction of an executive officer of the Aspen Regional Health Authority.

18/02
Order of Capital Health Authority

Appeal of two orders of an executive officer of the Capital Health Authority under Section 62 of the *Public Health Act*, declaring the housing premises unfit for human habitation.

Hearing held October 28, 2002
The board upheld the orders issued by an executive officer of the Capital Health Authority. The tenants were required to vacate the premises immediately and the owner is not to permit occupancy of the premises until authorized to do so by an executive officer of the Capital Health Authority.

Other Activities

The **"Safe Drinking Water"** workshop provided the board with valuable information concerning legal issues as well as responsibilities with regard to drinking water systems. All board members attended the conference at the University of Alberta Campus in Edmonton on October 3, 2002.